



DT16 Rec'd PCT/PTO 24 MAR 2003

P. ENT
SCP061792DAC/5
47

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jean-Claude Basset
Ser. No.: 09/980,355
Filed: May 29, 2000
For: Digital Television Receiver/Decoder Device with Playback for
Interactive Pre-recording Television Programme

RENEWED PETITION UNDER 37 CFR 1.47 FOR ACCEPTANCE OF
APPLICATION WITHOUT PARTICIPATION OF INVENTOR

RECEIVED

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

MAR 26 2003

OFFICE OF PETITIONS

Sir:

Responsive to the Decision dated September 20, 2002, a renewed Petition is hereby made for acceptance of the present patent application on behalf of Jean Claude Basset. A Petition for Extension of Time extending the deadline for filing a response to the Decision to expire on March 20, 2003, is enclosed herewith.

The Decision states that the previous Petition filed on July 25, 2002 does not provide sufficient evidence to prove that Petitioner has sufficient proprietary interest in the application. In particular, the Decision states that the Petition does not provide: 1) evidence disclosing how Dassault Automatismes et Telecommunications ("D.A.T.") originally obtained the rights of the patent from the sole inventor, Mr. Basset; 2) evidence that Petitioner acquired rights in the PCT application; nor 3) evidence that the disclosure of the priority document is the same as the present invention. The Decision also states that Petitioner is required to submit a statement under 37 CFR 3.73(b).

In response, the following Exhibits, evidencing Petitioner's proprietary interest in the application, are attached herewith:

G. statement, and translation, from the Human Resources Manager of Thales e-Transaction, S.A., attesting that Mr. Basset was employed by the company, which was formerly called D.A.T., from the period September 19, 1973 to May 7, 2000;

H. statement, and translation, from the Human Resources Manager of Thales e-Transaction, S.A., attesting that Thales e-Transaction, S.A., was previously called Electronique Marcel Dassault, and D.A.T.;

I. copy, and translation, of the offer of employment by which Mr. Basset was employed by Electronique Marcel Dassault;

J. copy of French Law, Article L611-7, pertaining to the right of title to Industrial Property;

K. declaration by Brigitte Ruellan, a licensed French Patent Attorney and European Patent Attorney, attesting that in her expert opinion, under French Law, in

view of Article L611-7 and the exhibits presented in the Petition and the Renewed Petition, D.A.T. acquired sufficient proprietary interest in the present patent application; and

5 L. certified copy of the priority document, and the translation of the document, evidencing that the priority document is the same as the present application.

10 As indicated by Exhibits G-K, it is submitted that under French Law D.A.T. acquired sufficient proprietary interest in the priority document. It is also submitted that in view of Exhibit E, which was submitted with the Petition filed on July 25, 2002, Petitioner has proprietary interest in the priority document, and the present application. Regarding the rights in the PCT application, Exhibit E, clause 2.1, paragraph 9, states "patent applications' shall mean French patent applications as
15 listed in Annex 1C, as well as any future patent applications filed abroad, whether or not they are subject to the priority of the said French patent applications. (emphasis added)" In view of the above, Petitioner has proprietary interest in the PCT application and the present application.

20 As indicated by Exhibit L, the disclosure of the priority document is the same as the present invention.

Regarding the statement under 37 CFR 3.73 (b), Petitioner respectfully submits that the statement is not applicable to, and need not be submitted in, the
25 present application since there is neither a recorded assignment from the inventor nor a recorded chain of title for this application.

In view of the above, it is respectfully submitted that the requirements of 37 C.F.R. 1.497(a) and (b) are met, and requested that the subject Patent Application be
30 made on behalf of J.C. Basset.

Please charge any fees associated with this Petition to Deposit Account 07-0832. Should any questions arise regarding any of the above, the Examiner is requested to contact the undersigned at 609-734-6815.

35

Respectfully submitted,

40

Paul P. Kiel March 20, 2003
Paul P. Kiel
Attorney for Applicant
Registration No. 40,677

45

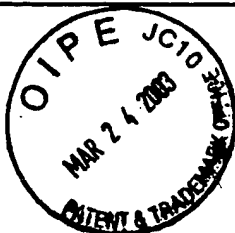
Certificate of Mailing under 37 CFR 1.8
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in a postage paid envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date indicated below.

50

Date: 3-2003 Signature *CBucholz*

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional)
SCP061792



In re Application of Basset

Application Number 09/980,355

Filed 5/29/00

For Digital Television Receiver/Decoder device with Playback for Interactive Pre-recording Television Programme

Group Art Unit

Examiner

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1)) \$ _____
- ☐ Two months (37 CFR 1.17(a)(2)) \$ _____
- ☐ Three months (37 CFR 1.17(a)(3)) \$ _____
- ☒ Four months (37 CFR 1.17(a)(4)) \$ 1450
- ☐ Five months (37 CFR 1.17(a)(5)) \$ _____

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____.
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 07-0832.
I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a). _____.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

March 20, 2003

Date

Paul P. Kiel

Signature

Paul P. Kiel

Typed or printed name

03/26/2003 AWONDAF1 00000031 070832 09980355

01 FC:1254 1450.00 CH

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

THALES

EXHIBIT G

THALES e-TRANSACTIONS

9, rue Elsa Triolet - ZI des Gâtines - BP 13
78373 Plaisir Cedex
FRANCE
Tél. : +33 (0)1 30 81 20 00
Fax : +33 (0)1 30 55 19 31
www.thalesgroup.com

ATTESTATION

Je soussignée Florence GALLOIS, Responsable Ressources Humaines de Thales e-Transactions S.A., certifie que Monsieur Jean-Claude BASSET a bien été employé par la Société dénommée alors Dassault A.T., du 19 septembre 1973 au 7 mai 2000.



Fait à Plaisir,

Le 26 novembre 2002

THALES

THALES e-TRANSACTIONS

9, rue Elsa Triolet - ZI des Gâtines - BP 13

78373 Plaisir Cedex

FRANCE

Tel.: +33 (0) 1 30 81 20 00

Fax: +33 (0) 1 30 55 19 31

www.thalesgroup.com

CERTIFICATE

I, the undersigned Florence GALLOIS, Human Resources Manager at Thales e-Transactions S.A., certify that Mr Jean-Claude BASSET was employed by the Company at the time called Dassault A.T., from 19 September 1973 to 7 May 2000.

[signature]

Plaisir,

26 November 2002

THALES e-TRANSACTIONS S.A.

Limited liability company with a capital of 30,600,000 Euro

RCS Versailles B 380 248 609

I, Clive Edward MANN BA,
translator to RWS Group plc, of Europa House, Marsham Way, Gerrards Cross,
Buckinghamshire, England, hereby declare that I am conversant with the English and French
languages and am a competent translator thereof. I declare further that to the best of my
knowledge and belief the following is a true and correct translation of the accompanying
document in the French language.

Signed this 6th day of February 2003

A handwritten signature in black ink, appearing to read 'Clive Mann', with a horizontal line underneath the name.

C. E. MANN

For and on behalf of RWS Group plc

THALES

THALES e-TRANSACTIONS

9, rue Elsa Triolet - ZI des Gâtines - BP 13

78373 Plaisir Cedex

FRANCE

Tel.: +33 (0) 1 30 81 20 00

Fax: +33 (0) 1 30 55 19 31

www.thalesgroup.com

CERTIFICATE

I, the undersigned Florence GALLOIS, Human Resources Manager at Thales e-Transactions S.A., certify that the name of our company has successively been:

- Electronique Marcel Dassault,
- becoming Electronique Serge Dassault,
- Dassault Electronique,
- Dassault Automatismes et Télécommunications,
- and now Thales e-Transactions S.A.

Plaisir,

3 February 2003

[signature]

THALES e-TRANSACTIONS S.A.

Limited liability company with a capital of 30,600,000 Euro

RCS Versailles B 380 248 609

THALES

THALES e-TRANSACTIONS

9, rue Elsa Triolet - ZI des Gâtines - BP 13

78373 Plaisir Cedex

FRANCE

Tél. : +33 (0)1 30 81 20 00

Fax : +33 (0)1 30 55 19 31

www.thalesgroup.com

ATTESTATION

Je soussignée Florence GALLOIS, Responsable Ressources Humaines de Thales e-Transactions S.A., certifie que la dénomination de notre société a été successivement :

- Electronique Marcel Dassault,
- devenue Electronique Serge Dassault,
- Dassault Electronique,
- Dassault Automatismes et Télécommunications,
- et actuellement Thales e-Transactions S.A.

Fait à Plaisir,
Le 3 février 2003



THALES

THALES e-TRANSACTIONS

9, rue Elsa Triolet - ZI des Gâtines - BP 13
78373 Plaisir Cedex
FRANCE
Tél. : +33 (0)1 30 81 20 00
Fax : +33 (0)1 30 55 19 31
www.thalesgroup.com

ATTESTATION

Je soussignée Florence GALLOIS, Responsable Ressources Humaines de Thales e-Transactions S.A., certifie que la dénomination de notre société a été successivement :

- Electronique Marcel Dassault,
- devenue Electronique Serge Dassault,
- Dassault Electronique,
- Dassault Automatismes et Télécommunications,
- et actuellement Thales e-Transactions S.A.

Fait à Plaisir,
Le 3 février 2003



EXHIBIT I

ELECTRONIQUE MARCEL DASSAULT*Société Anonyme au Capital de 25 000 000 F***55, QUAI CARNOT - 92214 - SAINT-CLOUD - TEL 602.50.00**

Adresse Rég. : ELECTRODASSAULT

Télex : 25.767 F - E. M. D. S.CLOU

Boîte Postale N° 41. 92214 - St-Cloud

Service du Personnel

GD/SC - n° 4.921

Saint-Cloud, le 19 Septembr

Dossier n° 11.209**Monsieur Jean-Claude BASSET****84, rue Vergniaud****75013 PARIS****Monsieur,**

Nous avons le plaisir de vous informer que nous sommes disposés à vous engager à l'ELECTRONIQUE MARCEL DASSAULT, en qualité de :

" INGENIEUR Position III A "

aux appointements mensuels et forfaitaires de **FRANCS** (FRANCS), sans notion d'horaire, sous réserve du résultat satisfaisant de l'examen médical d'usage que vous aurez à passer ultérieurement et au plus tard le jour de votre entrée en fonctions.

De votre rémunération seront à déduire, pour les parts vous incombant, les cotisations prévues au titre des divers régimes applicables (Sécurité Sociale, A.S.S.E.D.I.C., I.P.E.C.A. etc...), du fait des dispositions légales, conventionnelles ou propres à la Société.

Il est bien entendu que les trois premiers mois de votre présence seront considérés comme période d'essai au cours de laquelle chacune des parties pourra reprendre sa liberté selon les modalités de l'Article 5 de la Convention Collective du 13 Mars 1972.

L'Entreprise travaillant presque exclusivement pour la Défense Nationale, l'engagement ne sera définitif qu'après accord de la Délégation Ministérielle pour l'Armement.

RECEIVED.../...
MAR 26 2003
OFFICE OF PETITIONS

GD/SC - n° 4.521

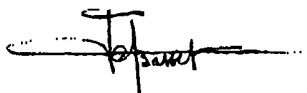
- 2 -

Vous prendrez vos fonctions dès que possible et au plus tard le
MARDI 2 JANVIER 1974.

Nous vous demandons de nous faire connaître votre acceptation à ces conditions avant le 15 OCTOBRE 1973, ainsi que la date approximative de votre entrée en fonctions, en nous retournant le double de la présente lettre daté, signé et revêtu de la mention manuscrite "Lu et Approuvé".

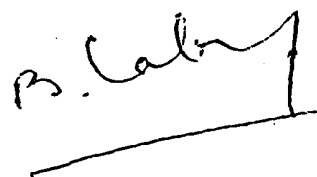
Nous vous prions d'agréer, Monsieur, l'expression de nos sentiments distingués.

Lu et Approuvé



Fait le 10 octobre 1973.

Le Directeur Général Adjoint,
B. LABEY.



P.J. :

Un exemplaire de la présente lettre à nous retourner daté et revêtu de votre signature précédée de la mention manuscrite "Lu et Approuvé". -

ELECTRONIQUE MARCEL DASSAULT
Société Anonyme with a Capital of FF 25,000,000
55, QUAI CARNOT 92214 - SAINT-CLOUD TEL. 602.50.00

Personnel Department
GD/SC - No. 4.521

Saint-Cloud, 19 September

File No. 11.209

Mr Jean-Claude BASSET
84, rue Vergniaud
75013 PARIS

Dear Sir,

We are pleased to inform you that we wish to offer you the post at ELECTRONIQUE MARCEL DASSAULT of:

“Position III A E N G I N E E R”

for a monthly flat-rate salary of FRANCS (francs), without hours being stipulated, subject to your passing the usual medical examination which you must take in due course and no later than the day you start work.

On the basis of legal, contractual or internal provisions, contributions specified under the various applicable regulations (Social Security, A.S.S.E.D.I.C. [Association for Industrial and Commercial Employment], I.P.E.C.A. [Provident Institution for Aeronautical Construction Companies], etc.) shall be deducted from your pay in the proportions payable by you.

It is understood that the first three months you are at the company will be regarded as a trial period during which each of the parties may freely withdraw from the contract according to the terms of Article 5 of the Collective Agreement of 13 March 1972.

As the company works almost exclusively for National Defence, the appointment will only be final after agreement by the Ministerial Delegation for Armaments.

You are to start work as soon as possible and no later than TUESDAY 2 JANUARY 1974.

Please let us know whether you accept under the above terms by 15 OCTOBER 1973, and the approximate date you will be able to start by returning the copy of this letter dated, signed and bearing the written words “Read and Approved”.

Yours faithfully,

Read and Approved
[Signature]
Paris, 10 October 1973

Assistant Managing Director
B. LABEY
[Signature]

Enclosed:

A copy of this letter to be returned dated and bearing your signature after the written words “Read and Approved”.

RECEIVED
MAR 26 2003
OFFICE OF PETITIONS

INTELLECTUAL PROPERTY CODE (Legislative Part)
Second part; Industrial property
Book VI; Protection of technical knowledge and inventions
Title I; Patents of invention
Chapter I; Field of application
Section 2: Right to title

EXHIBIT J

Article L611-7

(Act No. 94-102 of 5 February 1994, Art. 22, Official Journal of 8 February 1994)

If the inventor is an employee, the right to title of industrial property, failing a contractual stipulation more favourable for the employee, is defined according to the following provisions:

1. Inventions made by the employee in the performance either of an employment contract including inventive work which corresponds to his actual functions, or of studies and research explicitly conferred upon him, belong to the employer. The terms under which the employee who has produced such an invention benefits from an additional settlement are determined by collective agreements, company agreements and individual employment contracts.

If the employer is not subject to an industry collective agreement, any dispute relating to the additional settlement is referred to the conciliation board instituted by Article L. 615-21 or to the high court.

2. All other inventions belong to the employee. However, where an invention is produced by an employee either during the performance of his functions or in the field of activity of the company or through the knowledge or use of techniques or means specific to the company, or of information obtained by it, the employer has the right, in accordance with the terms and the time periods set by order of the Council of State, to take ownership or possession of all or part of the rights attached to the patent protecting its employee's invention.

The employee must obtain a fair price for the invention which, if the parties fail to reach an agreement, is set by the conciliation board instituted by Article L. 615-21 or by the high court; the latter shall take into consideration all evidence submitted to them, in particular by the employer and by the employee, in order to calculate a fair price both as a function of the initial contributions of each party and of the industrial and commercial usefulness of the invention.

3. The employee who has produced the invention informs his employer thereof, and the employer acknowledges receipt in accordance with the statutory terms and time periods.

The employee and the employer must communicate to each other any useful information on the invention in question. They must refrain from disclosing any information which might breach all or some of the rights conferred by this book.

Any agreement between the employee and his employer regarding an invention by an employee must be in writing, otherwise it is null and void.

4. The terms implementing this article are laid down by order of the Council of State.

5. The provisions of this article also apply to agents of the State, public bodies and any other legal persons under public law, according to the terms laid down by order of the Council of State.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jean-Claude Basset
Ser. No.: 09/980,355
5 Filed: May 29, 2000
For: Digital Television Receiver/Decoder Device with Playback for
Interactive Pre-recording Television Programme

DECLARATION

10 Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

15 I, Brigitte Ruellan, declare the following.

I am a licensed French Patent Attorney and European Patent Attorney. I have
been practicing patent law for 28 years, and have expert knowledge of French and
European patent law. I am currently employed by Thomson S.A., as a managing
20 patent attorney, managing the activities of 4 patent attorneys in the Paris Office. My
duties include managing these attorneys in the prosecution of patent applications
worldwide including, in the French Patent Office INPI, Institut National de la
Propriété Industrielle, and the European Patent Office, and in providing licensing
support for a worldwide licensing organization. I also manage my own docket of
25 patent applications and provide licensing support in the areas of LCD and other
displays. Prior to my employment with Thomson, S.A., I was employed by a French
Private Law Firm, as Patent Engineer.

I have reviewed the present application and documents relating to the present
30 application, including the Petition under 37 CFR 1.47 filed in the USPTO on July 25,
2002, the present Renewed Petition, and the Exhibits included with the Petitions.
Based on the above, I conclude that under French Law, specifically Article L611-7,
and the applicable legal cases, and in view of his employment as an Engineer with
D.A.T., which resulted in the filing of the priority document, D.A.T. properly
35 acquired rights to the priority document from Mr. Basset.

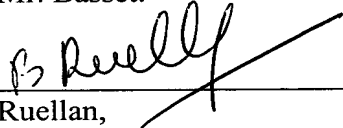

40 Brigitte Ruellan,
European Patent Attorney
Manager, Patent Operations
Thomson S.A.

EXHIBIT L

UNITED STATES PATENT AND TRADEMARK OFFICE

I, David LAWSON MSc, AFIMA, Dip. Trans. IoL,
translator to RWS Group plc, of Europa House, Marsham Way, Gerrards Cross,
Buckinghamshire, England declare;

1. That I am a citizen of the United Kingdom of Great Britain and Northern Ireland.
2. That I am well acquainted with the French and English languages.
3. That the attached is, to the best of my knowledge and belief, a true translation into the English language of the accompanying copy of the specification filed with the application for a patent in France on 20 February 2003 under the number 99/06,957 and the official certificate attached hereto.
4. That I believe that all statements made herein of my own knowledge are true and that all statements made on information and belief are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent application in the United States of America or any patent issuing thereon.



For and on behalf of RWS Group plc

The 6th day of March 2003

RECEIVED
MAR 26 2003
OFFICE OF PETITIONS